Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Pre-trial Process Exam**

**Matching (Part 1):**

1. Complaint
2. A warrant
3. The court system
4. Hearsay
5. Booking

\_\_\_\_\_1. You are arrested for a crime. What are you now entering?

\_\_\_\_\_2. When you are taken to the jail after being arrested, the police obtain biographical information about you, fingerprint you, and take your photograph. What are they doing to you by doing this?

\_\_\_\_\_3. After you are arrested, the police officer writes a statement of the essential facts constituting the offense you are charged with. The officer takes it before a magistrate and presents it under oath. The officer refers to this as an affidavit. What is the officer presenting?

\_\_\_\_\_4. What can the officer put in the affidavit that he presents before the judge?

\_\_\_\_\_5. You commit a crime but are not caught. The police figure you out and file an affidavit that is signed by the judge. Since you are not in custody, what does the affidavit become?

**Matching (Part 2):**

1. Grand Jury
2. Plea bargaining
3. Preliminary hearing
4. Initial appearance
5. Bail

\_\_\_\_\_6. Now, let’s say you are arrested and in jail. You are waiting to see the judge for the first time. The judge will actually come to your jail cell to see you. What is this called?

\_\_\_\_\_7. After the judge first sees you he lets you know that you can be released until your trial as long as you put up money or property to assure your appearance in court, which can also be lost if you don’t appear at your court date. The judge says it will be $5,000. What is he talking about?

\_\_\_\_\_8. You show up to court and appear before the judge for the second time. The court will determine if probable cause exists to believe that you committed the crime. What is this called?

\_\_\_\_\_9. After all of this, your case is sent to a group of people who routinely meet and will determine whether there is probable cause to believe that you committed the crime you are charged with. What are these people called?

\_\_\_\_\_10. You know you are guilty for the crime you are charged with and you don’t believe you stand a chance in the case. You want your defense attorney to negotiate with the prosecutor for a lesser punishment if you declare you are guilty. What are you doing?

**Multiple Choice:**

\_\_\_\_\_11. What type of bond consists of a defendant being released if he or she promises to appear in court?

1. Surety bond
2. Property bond
3. Cash bond
4. Personal Recognizance

\_\_\_\_\_12. What type of bond consists of a third party agreeing to pay for the bond?

1. Surety bond
2. Property bond
3. Cash bond
4. Personal Recognizance

\_\_\_\_\_13. What type of bond consists of the defendant putting up his or her own money to bail out?

1. Surety bond
2. Property bond
3. Cash bond
4. Personal Recognizance

\_\_\_\_\_14. What type of bond consists of the defendant pledging a car, house, or other property to retain release?

1. Surety bond
2. Property bond
3. Cash bond
4. Personal Recognizance

\_\_\_\_\_15. Which amendment does not allow excessive bail?

1. 4th
2. 5th
3. 6th
4. 8th
5. Both b and d

\_\_\_\_\_16. Based on the choices below, what can the bail amount depend on?

I. The nature of the crime

1. The defendant’s criminal history

III. The defendant’s race

IV. Flight risk

V. The defendant’s gender

VI. How much wealth the defendant has

* 1. I
  2. II and III
  3. I, II, IV, V
  4. I, II, IV, VI
  5. I, III, IV, V, VI

\_\_\_\_\_17. Based on the choices below, bail can be denied to a defendant based on what?

1. The type and nature of the crime

II. Their attitude

III. Flight risk

IV. The criminal history of the defendant’s family members

V. Protection of the victim or the defendant

* 1. I and II
  2. I, III
  3. III, IV, V
  4. I, III, V
  5. I, II, III, IV, V

\_\_\_\_\_18. What does the judge do during the initial appearance?

1. Confirms the identity of the defendant
2. Informs of various rights such as remaining silent and having an attorney
3. Gives a date to show up to court for their preliminary hearing
4. Advises the defendant of how much their bail is
5. All of the above

\_\_\_\_\_19. Within how many hours of being arrested does the judge have to see the defendant?

1. 24 hours
2. 24 – 48 hours
3. 48 hours
4. 48 – 72 ours
5. 72 hours

\_\_\_\_\_20. What is the purpose of the preliminary hearing?

1. To have an impartial third party review the facts to be sure that probable cause exists
2. To let the prosecutor see how many attorneys the defendant has hired
3. To let the defense attorney learn how much experience the prosecutor has
4. All of the above

\_\_\_\_\_21. What is many times bypassed and adversarial, and can serve as a source of discovery for both the prosecutor and defense?

1. Arraignment
2. Preliminary hearing
3. Grand Jury
4. Plea bargain

\_\_\_\_\_22. What is closed, secret, and does not have the defendant present?

1. Arraignment
2. Preliminary hearing
3. Grand Jury
4. Plea bargain

\_\_\_\_\_23. Who is present during the grand jury proceedings?

1. The prosecutor only
2. The defense attorney only
3. Both a and b

\_\_\_\_\_24. When the grand jury finds that probable cause exists, the defendant is what?

1. True billed
2. Indicted
3. Guilty
4. Released on bail
5. Either a or b

\_\_\_\_\_25. When the grand jury finds that probable cause does not exist, the defendant is what?

1. True billed
2. Indicted
3. Not Indicted
4. Released and the case is dropped
5. Either c or d

\_\_\_\_\_26. What is the hearing during which the defendant is brought before a judge to hear charges and to enter a plea?

1. Arraignment
2. Preliminary hearing
3. Grand Jury
4. Plea bargain

\_\_\_\_\_27. In what pleas do defendants neither admit nor deny the charges and imply that they have no intention of defending themselves?

1. Not guilty
2. Guilty
3. Nolo contendere

\_\_\_\_\_28. Back to you court case. Let’s say you pled guilty the first time you saw the judge but it was not something you wanted to do. You felt that you had to plead guilty. Will this plea of guilty hold up in court?

1. Yes
2. No

\_\_\_\_\_29. Based on the answer you gave for number 28, why is that the correct answer?

1. A guilty plea has to be voluntary
2. A guilty plea does not have to be voluntary

\_\_\_\_\_30. No plea is the same as what?

1. Not guilty
2. Guilty
3. Nolo contendere